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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2012-88

STATEMENT OF ISSUES

13 **KATHRYN SUE NICHOLS**
2724 Silver Oak Drive
14 Chico, California 95973

15 Respondent.

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17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 2. On or about November 29, 2010, the Board received an Application For Licensure By
23 Examination from Kathryn Sue Nichols ("Respondent"). On or about November 26, 2010,
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on March 4, 2011.

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1 **JURISDICTION**

2 3. Pursuant to Business and Professions Code ("Code") section 485(b), on or about
3 March 4, 2011, Respondent's application was denied and she was notified of the right to a
4 hearing to appeal the denial.

5 4. On or about March 10, 2011, Respondent requested a hearing to appeal the denial of
6 her application.

7 **STATUTORY PROVISIONS**

8 5. Code section 2736(a)(3) provides, in pertinent part, that the Board may deny a
9 license when it finds that the applicant has committed any acts constituting grounds for denial of
10 licensure under Code section 480.

11 6. Code section 2761(a) states, in pertinent part, that the board may take disciplinary
12 action against a certified or licensed nurse or deny an application for a certificate or license for
13 unprofessional conduct.

14 7. Code section 2762 states, in pertinent part:

15 In addition to other acts constituting unprofessional conduct within the
16 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

17 (a) Obtain or possess in violation of law, or prescribe, or except as directed
18 by a licensed physician and surgeon, dentist, or podiatrist administer to himself or
herself, or furnish or administer to another, any controlled substance as defined in
19 Division 10 (commencing with Section 11000) of the Health and Safety Code or any
dangerous drug or dangerous device as defined in Section 4022.

20 8. Code section 480 states, in pertinent part:

21 (a) A board may deny a license regulated by this code on the grounds that
22 the applicant has one of the following:

23 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

24 (3)(A) Done any act that if done by a licentiate of the business or profession
25 in question, would be grounds for suspension or revocation of license.

26 (B) The board may deny a license pursuant to this subdivision only if the act
27 is substantially related to the qualifications, functions, or duties of the business or
profession for which application is made.

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